



Texas General Land Office

Community Development and Revitalization (GLO-CDR)

“The GLO stands ready to help our state maximize the use of this disaster recovery funding to build back stronger and more resilient communities.”

~ George P. Bush, Commissioner

Successful Environmental Review



1. Review project activities in the approved Performance Statement (Attachment A of contract) to ensure accuracy.
2. Aggregate project activities as appropriate (see [24 CFR 58.32](#)).
3. Determine the appropriate [HUD level of environmental review](#).
4. Create project description only when #1-#3 have been completed.
5. Ensure early coordination/consultation with state/federal regulatory agencies.
6. Conduct and document project re-evaluation when necessary (see [24 CFR 58.47](#))
7. Responsible Entities must maintain the Environmental Review Record (ERR) in accordance with [24 CFR 58.38](#).

Levels of Environmental Review



LEVEL OF ENVIRONMENTAL REVIEW				
58.34 Exempt	58.35(b) Categorically Excluded NOT subject to 58.5	58.35(a) Categorically Excluded AND subject to 58.5 "A" checked for all on Statutory Worksheet*	58.35(a) Categorically Excluded AND subject to 58.5 statutory authorities: "B" checked for one or more on Statutory Worksheet*	58.36 NEPA Environmental Assessment
TYPE OF ACTIVITIES				
Environmental and other studies Document last modified: July 2	<p>Tenant-based rental assistance</p> <p>Supportive services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utilities, assistance in gaining access to government benefits.</p> <p>Operating costs including maintenance, furnishings, security, equipment, operation, supplies, utilities, staff training and recruitment</p> <p>Economic development activities including equipment purchase, inventory financing, interest subsidy, operating costs, and other expenses not associated with construction or expansion</p> <p>Activities to assist homeownership of existing dwelling units or units under construction, including closing costs and down payment assistance to homebuyers, interest buy downs or other actions resulting in transfer of title.</p> <p>Affordable housing pre-development costs: legal consulting, developer and other site-option costs, project financing, administrative costs for loan commitments, zoning approvals, and other activities which don't have a physical impact.</p> <p>Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under Part 58, if: approval is by same the RE, and re-evaluation is not required, per 58.47</p>	<p>Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without <u>change</u> in size or capacity of more than 20%</p> <ul style="list-style-type: none"> Replacement of water or sewer lines Reconstruction of curbs & sidewalks repaving of streets <p>Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped.</p> <p>Single Family Housing Rehab</p> <ul style="list-style-type: none"> Unit density is not increased beyond 4 units, Project doesn't involve change in land use from residential to non-residential The footprint of the building in not increased in a floodplain or a wetland. <p>Multifamily Housing Rehab</p> <ul style="list-style-type: none"> Unit density change is not more than 20% Project doesn't involve change in land use from residential to non-residential Cost of rehabilitation is less than 75% of the estimated cost of replacement after rehab <p>Non-Residential Structures</p> <ul style="list-style-type: none"> Facilities and improvements were in place and will not be changed in size or capacity by more than 20% Activity does not involve change in land use from non-residential to residential, commercial to industrial, or one industrial use to another <p>Individual action (e.g., disposition, new construction, demolition, acquisition) on a 1 to 4 family dwelling; or individual action on five or more units scattered on sites more than 2000 feet apart and no more than 4 units per site.</p> <p>Acquisition (including leasing) or disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.</p> <p>Combinations of the above activities</p>	<p>Activities <u>not exempt</u> or categorically excluded.</p> <p>Generally, new construction of 5 or more homes, and conversion from one type of land use to another.</p>	
DOCUMENTATION REQUIRED IN ERR				
Describe activity and make a written determination of exemption. Also, determine compliance with 58.6: <ul style="list-style-type: none"> National Flood Insurance Program Coastal Barrier Resource Act Runway Clear Zones 	Describe activity and make a written 58.35(b) determination. Also, determine compliance with 58.6: <ul style="list-style-type: none"> National Flood Insurance Program (NFIP) Coastal Barrier Resource Act (CBRA) Runway Clear Zones 	Complete Statutory Worksheet, (sec. 58.5) and indicate <u>converts</u> exempt. Also, determine compliance with 58.6 <ul style="list-style-type: none"> NFIP CBRA Runway Clear Zones 	Complete Statutory Worksheet (sec. 58.5) NOI/RROF notification RROF & Certification (form 7015.15) Authority to Use Grant Funds (form 7015.16) Also, determine compliance with 58.6 <ul style="list-style-type: none"> National Flood Insurance Program Coastal Barrier Resource Act Runway Clear Zones 	Environmental Assessment (including Statutory Checklist)* FONSI and NOI/RROF notification Form 7015.15 Form 7015.16 Also, determine compliance with 58.6

Project Description



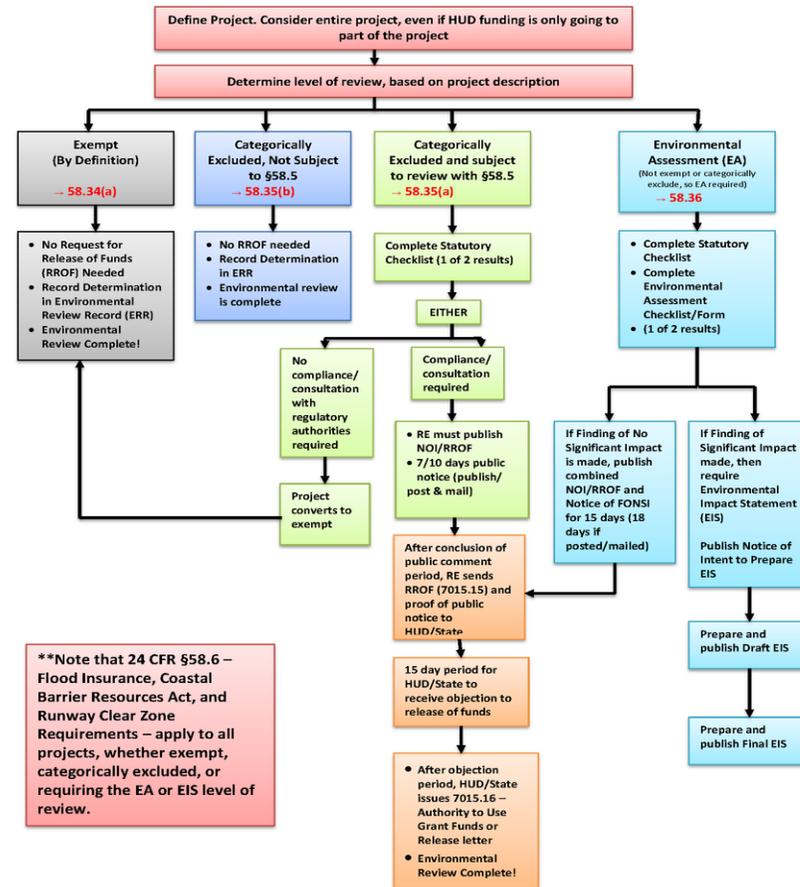
A complete and clear project description is a critical success factor and should be drafted only after the project is aggregated, all project components are identified, and the level of environmental review has been established.

- Project descriptions should include, at a minimum:
 - The projects purpose and need,
 - whether or not the project is a critical action,
 - a clearly delineated project location map that includes the area of potential effect (APE),
 - detailed description of all ground disturbance (project length, width, depth etc.),
 - total project costs (HUD and non-HUD funds),
 - and a general summary of the existing site conditions.
- Be specific and include GIS coordinates and maps.

Environmental Review Process



Environmental Review Process (To Be Conducted by Responsible Entity)



Errors That Result in Non-compliance



1. Insufficient Project Description
2. Choice limiting actions (see 24 CFR 58.22)
3. Incomplete or inaccurate HUD Floodplain Management requirements (see 24 CFR 55 and EO 11988)
4. Failure to identify and properly evaluate Critical Actions (see 24 CFR 58.2)
5. Failure to aggregate project activities
6. Failure to conduct project re-evaluations (see 24 CFR 58.47)

Project Re-evaluations



- Any change in scope of work post-AUGF, regardless of magnitude, may require a project re-evaluation per [24 CFR 58.47](#) and must be evaluated and documented.
- Re-evaluations must be completed prior to any work being initiated or funded.
- If a subrecipient fails to comply with the project re-evaluation procedure post-AUGF as described in 24 CFR 58.47, a choice limiting action (24 CFR 58.22(a)) may have occurred and could result in repayment of federal funds.
- Contact the GLO Environmental team (env.reviews@recovery.texas.gov) to request Technical Assistance.

Re-evaluation Checklist



Does your project require any changes post-AUGF?

Has an email been sent to the GLO Grant Manager (GM) with the details of the proposed changes?

→ Has the GM confirmed the program and your contract will allow for changes?

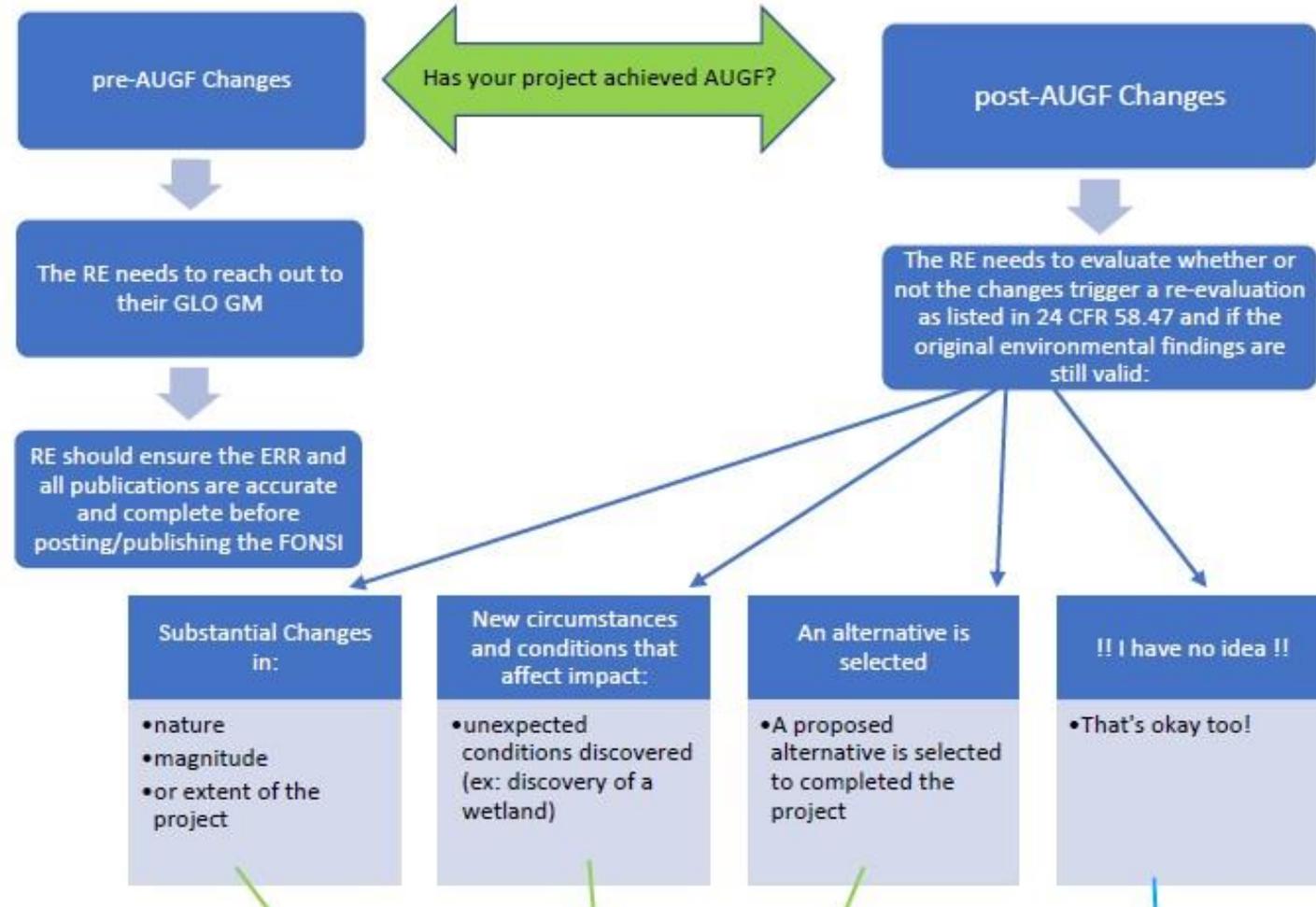
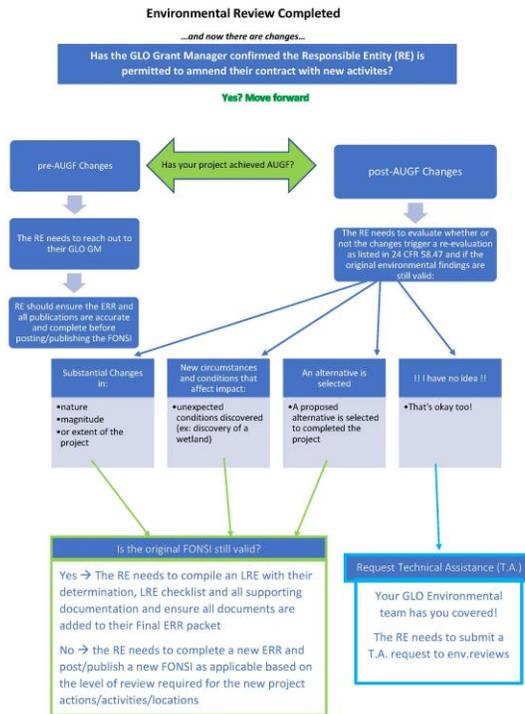
*If “yes”, this email chain must be included in your Re-Eval packet and kept in your Final ERR Records

For your updated ERR file, please ensure your re-evaluation packet includes each of the following items:

- 1) LRE from the RE stating how/why the changes require a re-evaluation as outlined under 24 CFR 58.47 as well as determination by the RE as to why the original FONSI remains valid.
- 2) Original project location map(s) clearly indicating the original APE and project action(s) cleared in the AUGF.
- 3) Project location map(s) clearly indicating the original and the new project locations and actions, so the changes are clearly identified.
- 4) FEMA Firmette map with area of potential effect (APE) delineated
- 5) NWI map with APE delineated
- 6) Historic Preservation map with APE delineated
- 7) Coastal Barrier Resources map with APE delineated
- 8) Coastal Zone Management map with APE delineated

COMMUNITY DEVELOPMENT & REVITALIZATION (CDR) Regulatory Oversight Division	
Re-evaluation Checklist for GLO/HUD Projects	
GLO Project Name:	GLO Grant #:
AUGF Date:	HUD Grant #:
Original GLO Environmental Reviewer:	
Please confirm the following:	
Has an email been sent to the GLO Grant Manager (GM) with the details of the proposed changes?	Y/N
Has the GM confirmed the program and your contract will allow for changes? <i>*If "yes", this email chain must be included in your Re-Eval packet and kept in your Final ERR Records</i>	
Are any new permits required? (this includes new NHPs)	
Was an EIS/programmatic required?	
Are the changes significant enough to warrant re-evaluation as part of the original EIS/programmatic?	
For your updated ERR file, please ensure your re-evaluation packet includes each of the following items:	
1) LRE from the RE stating how/why the changes require a re-evaluation as outlined under 24 CFR 58.47 as well as determination by the RE as to why the original FONSI remains valid.	
2) Original project location map(s) clearly indicating the original APE and project action(s) cleared in the AUGF.	
3) Project location map(s) clearly indicating the original and the new project locations and actions, so the changes are clearly identified.	
4) FEMA Firmette map with area of potential effect (APE) delineated	
5) NWI map with APE delineated	
6) Historic Preservation map with APE delineated	
7) Coastal Barrier Resources map with APE delineated	
8) Coastal Zone Management map with APE delineated	
For additional information, please send a technical assistance request to err_reviews@ecoverry.texas.gov	

Re-evaluation Flowchart



Policy Memos – New Requirement



Three policy memos must be signed by the REs certifying officer and remitted to the GLO Grant Manager:

- 1. Policy Memo on the revised GLO Environmental Review Procedures and HUD 7015.15 RROF and Environmental Certification Submissions**
- 2. Policy Memo on Choice Limiting Actions (revised 1/2022)**
- 3. Policy Memo on Project Re-evaluations (revised 1/2022)**

Policy Memos



2. Policy Memo on Choice Limiting Actions

Subgrantees who receive CDBG-DR funds administered by the TXGLO are considered responsible entities (REs), also referred to as subrecipients, and must complete an environmental review compliant with 24 CFR 58 on all project activities before CDBG-DR funds are obligated. Each RE must designate a Certifying Officer who is ultimately responsible for signing off on the completeness of environmental reviews as described in 24 CFR 58.13. The RE/Certifying Officer is also responsible for ensuring that the timing of the environmental review process is consistent with the requirements outlined in 24 CFR 58.22 - Limitations on Activities Pending Clearance, commonly referred to as “choice limiting actions.”

Choice limiting activities occur in two commonly observed missteps:

- Prior to the completion of the environmental review and;
- After completing the environmental review and receipt of the Authority to Use Grant Funds (AUGF) if the RE fails to adhere to the project re-evaluation process required by 24 CFR 58.47.

Submitting Review Requests via TIGR



- **HUD 7015.15 RROF and Environmental Certification** documents must be submitted through TIGR Portal. Instructions are outlined in the How-To Guide.
- Any person submitting environmental documents must have their own Portal account. Users cannot share their account with others.
- To request an account, contact your GLO grant manager who will provide an Access Request form.
- Technical assistance with account access should be directed to TIGR Help - tigrhelp@recovery.texas.gov.
- Technical assistance with environmental document upload issues should be directed to CDR.Environmental@recovery.texas.gov.

Resources



- [HUD Environmental Review](#) website
- HUD's [Web-Based Instructional System for Environmental Review](#) (WISER) self-paced online training
- [GLO Environmental Review](#) website
- [GLO Environmental Aggregation Video](#)
- [GLO Environmental Review Record Checklist](#)
- Email env.reviews@recovery.texas.gov to request technical assistance on environmental requirements, inquire about GLO procedural requirements, and request meetings and/or additional trainings
- TIGR Technical assistance with account access should be directed to TIGR Help at tigrhelp@recovery.texas.gov
- TIGR Technical assistance with environmental document upload issues should be directed to the GLO Environmental team at CDR.Environmental@recovery.texas.gov



Questions?

Contact Regulatory Oversight

env.reviews@recovery.texas.gov